



Prison Rape Elimination Act of 2003

PREA Data Collection Activities, 2013

The Prison Rape Elimination Act of 2003 (PREA; P.L. 108-79) requires the Bureau of Justice Statistics (BJS) to carry out, for each calendar year, a comprehensive statistical review and analysis of the incidence and effects of prison rape. The act further specifies that the review and analysis shall be based on a random sample, or other scientifically appropriate sample of not less than 10 percent of all prisons, and a representative sample of municipal prisons.

In 2012, more than 7,600 correctional facilities nationwide were covered by PREA. The Act requires the Attorney General to submit, not later than June 30 of each year, a report that lists institutions in the sample and ranks them according to the incidence of prison rape. BJS has developed a multiple-measure, multiple-mode data collection strategy to fully implement requirements under PREA.

DATA COLLECTIONS DURING 2012 AND 2013

The **National Inmate Survey (NIS)** gathers data on the prevalence and incidence of sexual assault in adult prison and local jail facilities, as reported by inmates. The inmates use audio computer-assisted self-interviewing (ACASI) technology with a laptop touchscreen and an audio feed to maximize inmate confidentiality and minimize literacy issues. The first NIS (NIS-1) was conducted in 2007, producing two reports: *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007*, and *Sexual Victimization in Local Jails Reported by Inmates, 2007*. The second NIS (NIS-2) was conducted between October 2008 and December 2009, producing a combined prison and jail report: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008–09*.

Data collection for the third NIS (NIS-3) was completed in May 2012. BJS modified the survey design to provide the first-ever national-level estimates of sexual victimization of youth ages 16 to 17 held in prisons and jails. The survey was also modified to include measures of mental and physical health, as well as indicators of facility safety and security. The first report from NIS-3 was issued in May 2013: *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011–12*.

The NIS-3 was conducted in 233 state and federal prisons, 358 local jails, and 15 special confinement facilities operated by Immigration and Customs Enforcement (ICE), the U.S. Military, and correctional authorities in Indian country. A total of 92,449 inmates age 18 or older participated in the survey, including 38,251 prison inmates, 52,926 jail inmates, 573 ICE detainees, 539 inmates in military facilities, and 160 inmates in Indian country facilities. The survey was also administered to 527 juveniles ages 16 to 17 held in state prisons and 1,211 juveniles ages 16 to 17 in local jails.

Among the findings—

- In 2011–12, an estimated 4.0% of state and federal prison inmates and 3.2% of jail inmates reported experiencing one or more incidents of sexual victimization by another inmate or facility staff in the past 12 months or since admission to the facility, if less than 12 months.
- Using the same methodology since 2007, the change in rate of sexual victimization among state and federal prison inmates over the three surveys (4.5% in 2007, 4.4% in 2008–09, and 4.0% in 2011–12) was not statistically significant. Among jail inmates, the rate of sexual victimization was nearly unchanged—3.2% in 2007, 3.1% in 2008–09, and 3.2% in 2011–12.
- Among state and federal prison inmates, 2.0% (or an estimated 29,300 prisoners) reported an incident involving another inmate, 2.4% (34,100) reported an incident involving facility staff, and 0.4% (5,500) reported both an incident by another inmate and staff.
- About 1.6% of jail inmates (11,900) reported an incident with another inmate, 1.8% (13,200) reported an incident with staff, and 0.2% (2,400) reported both an incident by another inmate and staff.
- From 2007 to 2011–12, reports of “willing” sexual activity with staff (excluding touching) declined in prisons and jails, while reports of other types of sexual victimization remained stable.

- In 2011–12, juvenile inmates ages 16 to 17 held in adult prisons and jails did not have significantly higher rates of sexual victimization than adult inmates:
 - An estimated 1.8% of juveniles ages 16 to 17 held in adult prisons and jails reported being victimized by another inmate, compared to 2.0% of adults in prisons and 1.6% of adults in jails.
 - An estimated 3.2% of juveniles ages 16 to 17 held in adult prisons and jails reported experiencing staff sexual misconduct. Though higher, these rates were not statistically different from the 2.4% of adults in prisons and 1.8% of adults in jails.
- Inmates with a history of mental health problems reported higher rates of sexual victimization than other inmates in 2011–12. Among inmates who had been told they had a specific disorder as specified in the *Diagnostic and Statistical Manual of Mental Disorders (DSM-IV)*, an estimated 3.8% of prison inmates and 2.9% of jail inmates reported that they were sexually victimized by another inmate.
- Among state and federal prison inmates, an estimated 6.3% of those identified with serious psychological distress reported that they were sexually victimized by another inmate. In comparison, among prisoners with no indication of mental illness, 0.7% reported being victimized by another inmate.
- Similar differences were reported by jail inmates with and without mental health problems. An estimated 3.6% of those identified with serious psychological distress reported inmate-on-inmate sexual victimization, compared to 0.7% of inmates with no indication of mental health problems.
- Inmates who reported their sexual orientation as gay, lesbian, bisexual, or other were among those with the highest rates of sexual victimization in 2011–12. Among non-heterosexual inmates, 12.2% of prisoners and 8.5% of jail inmates reported being sexually victimized by another inmate; 5.4% of prisoners and 4.3% of jail inmates reported being victimized by staff.
- Eleven male prisons, 1 female prison, and 9 jails were identified as high-rate facilities based on the prevalence of inmate-on-inmate sexual victimization in 2011–12. Eight male prisons, 4 female prisons, and 12 jails were identified as high rate based on the prevalence of staff sexual misconduct. Each of these facilities had a lower bound of the 95%-confidence interval that was at least 55% higher than the average rate among comparable facilities.

The National Survey of Youth in Custody (NSYC)

provides facility-level estimates of youth reporting sexual victimization in juvenile facilities. The first NSYC (NSYC-1) was conducted between June 2008 and April 2009, and the second (NSYC-2) was conducted between February 2012 and September 2012.

BJS modified the survey in 2012 to include new measures for assessing the accuracy of youth self-reports and to more fully understand staff sexual misconduct. BJS also developed methods to enhance response rates and expanded the sample to include youth held in small facilities and facilities under contract to state juvenile correctional authorities. BJS also added a special questionnaire to collect information about each facility and living unit. Items included data on facility staffing, use of video surveillance, characteristics of youth held, and factors related to placement of youth in different living units within the facility.

The NSYC-2 was conducted in 273 state-owned or -operated juvenile facilities and 53 locally or privately operated facilities that held adjudicated youth under state contract. The survey was completed by 8,707 adjudicated youth sampled from at least one facility in every state and the District of Columbia. The first report from NSYC-2, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, was released in June 2013.

Among the findings—

- An estimated 9.5% of adjudicated youth in state juvenile facilities and state-contract facilities (representing 1,720 youth nationwide) reported experiencing one or more incidents of sexual victimization by another youth or staff in the past 12 months or since admission, if less than 12 months.
- About 2.5% of youth (450 nationwide) reported an incident involving another youth, and 7.7% (1,390) reported an incident involving facility staff.
- Among the estimated 1,390 youth who reported victimization by staff, 89.1% were males reporting sexual activity with female staff and 3.0% were males reporting sexual activity with both male and female staff. In comparison, males comprised 91% of adjudicated youth in the survey and female staff accounted for 44% of staff in the sampled facilities.
- Most victims of staff sexual misconduct reported more than one incident (85.9%). Among these youth, nearly 1 in 5 (20.4%) reported 11 or more incidents.
- An estimated 3.5% of youth reported having sex or other sexual contact with facility staff as a result of force or other forms of coercion, while 4.7% of youth reported sexual contact with staff without any force, threat, or explicit form of coercion.

- About 20.3% of youth victims of staff sexual misconduct experienced physical force or threat of force, 12.3% were offered protection, and 21.5% were given drugs or alcohol to engage in sexual contact.
- When youth were asked who initiated sexual contact, 36.4% reported that the facility staff always made the first move, 17.4% reported that they always made the first move, and 46.3% said that sometimes the facility staff made the first move and sometimes they did.
- Among state-owned or -operated juvenile facilities only, the rate of sexual victimization declined from 12.6% in 2008–09 (when the first survey was conducted) to 9.9% in 2012. The decline in state facilities was linked to staff sexual misconduct with force (declining from 4.5% of youth in 2008–09 to 3.6% in 2012) and staff sexual misconduct without force (declining from 6.7% to 5.1%).
- Rates of reported sexual victimization varied among youth:
 - 8.2% of male youth and 2.8% of female youth reported sexual activity with staff.
 - 5.4% of female youth and 2.2% of male youth reported forced sexual activity with another youth at a facility.
 - Youth who identified their sexual orientation as gay, lesbian, bisexual, or other reported a substantially higher rate of youth-on-youth victimization (10.3%) than heterosexual youth (1.5%).
- Thirteen facilities were identified as high rate, based on the prevalence of sexual victimization by youth or staff. Rates in each of these facilities had a 95%-confidence interval with a lower bound that was at least 35% higher than the average rate of sexual victimization among youth facilities nationwide.
- For the first time, state-level estimates were added to the survey:
 - Three states (Delaware, Massachusetts, and New York) and the District of Columbia had no reported incidents of sexual victimization.
 - Four states (Georgia, Illinois, Ohio, and South Carolina) had high rates, based on the lower bound of the 95%-confidence interval of at least 35% higher than the national average. Each of these states had an overall sexual victimization rate exceeding 15% of the average rate among youth facilities nationwide, which was primarily due to high rates of staff sexual misconduct.

The **Survey of Sexual Violence (SSV)** collects data annually from administrative records on the incidence of sexual violence in adult and juvenile correctional facilities. This collection, the first of a series of data collections implemented to meet PREA mandates, began in 2004. The surveys include measures of four different types of sexual victimization, and it is administered to a sample of at least 10% of all correctional facilities covered under PREA. Additional detail is collected on the characteristics of substantiated incidents of sexual violence.

The administrative records surveys provide a basis for the annual statistical review required under PREA. The surveys include all federal and state prison systems, as well as facilities operated by the U.S. Military and ICE. The surveys also include representative samples of jail jurisdictions, privately operated adult prisons and jails, and jails in Indian country. Each year the SSV also includes all state-owned or -operated juvenile facilities and a representative sample of locally and privately operated juvenile facilities.

Results from the SSV for adult facilities are expected in October 2013 and from the SSV for juvenile facilities in February 2014.

Other PREA-related data collections have been completed:

- The **National Former Prisoner Survey (NFPS)** provided the first-ever national estimates of the prevalence of sexual victimization based on reports of former state prison inmates. The report, *Sexual Victimization Reported by Former State Prisoners, 2008*, was released in May 2012.
- The **Clinical Indicators of Sexual Violence in Custody (CISVC)** was conducted during 2010 and 2011. In collaboration with the National Institute of Justice (NIJ) and the Centers for Disease Control and Prevention (CDC), BJS conducted a feasibility study using medical indicators and medical surveillance methodologies in 19 prisons and 11 jails. Based on results of the 12-month pilot study, BJS determined that a national data collection was not feasible.

UPCOMING REPORTS IN 2013-14

- *Sexual Victimization Reported by Adult Correctional Authorities, 2009-11* (October 2013).
- *Sexual Victimization Reported by Juvenile Correctional Authorities, 2007-11* (February 2014).

PREVIOUSLY RELEASED REPORTS

- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, NCJ 241708, June 2013.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*, NCJ 241399, May 2013.
- *Sexual Victimization Reported by Former State Prisoners, 2008*, NCJ 237363, May 2012.
- *Sexual Victimization Reported by Adult Correctional Authorities, 2007-2008*, NCJ 231172, January 2011.
- *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*, NCJ 231169, August 2010.
- *Sexual Victimization in Juvenile Facilities Reported by Youth, 2008-09*, NCJ 228416, January 2010.
- *Sexual Violence Reported by Juvenile Correctional Authorities, 2005-06*, NCJ 215337, July 2008.
- *Sexual Victimization in Local Jails Reported by Inmates, 2007*, NCJ 221946, June 2008.
- *Sexual Victimization in State and Federal Prisons Reported by Inmates, 2007*, NCJ 219414, December 2007.
- *Sexual Violence Reported by Correctional Authorities, 2006*, NCJ 218914, August 2007.
- *Sexual Violence Reported by Correctional Authorities, 2005*, NCJ 214646, July 2006.
- *Sexual Violence Reported by Correctional Authorities, 2004*, NCJ 210333, July 2005.



The Bureau of Justice Statistics is the statistics agency of the U.S. Department of Justice. William J. Sabol is the acting director.

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